

Vice Chairman Rod Johnson called the regularly scheduled meeting to order at 10:05 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, and Landis present and Commissioner Vap excused.

GENERAL ADMINISTRATION

Notice was duly published October 5, 2004, on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held October 13, 2004, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Thursday, October 14, 2004:

1:00 State Capitol, Room 1113, Lincoln.
 Legislative hearing on wireless regulation.

COMMUNICATIONS DEPARTMENT

AD-311 In the Matter of Option One Mortgage Corporation, Irvine, California, seeking authority to connect an automatic dialing-announcing device: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Frank Landis voting AYE, Commissioner Jerry Vap Excused Not Voting.

Gene Hand introduced the new Communications/Wireless E911 Department Administrative Assistant Anne Bogus.

C-3095 In the Matter of Qwest Corporation, Denver, Colorado, seeking arbitration to resolve issue relating to interconnection rates, terms, conditions and related arrangements with AT&T Communications of the Midwest, Inc. and TCG Omaha, Denver, Colorado: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order approving the revised agreement. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Frank Landis voting AYE, Commissioner Jerry Vap Excused Not Voting. Commissioner Landis will preside as Hearing Officer.

C-3131 In the Matter of the Petition from residents of Sumner exchange requesting extended area service (EAS) to the Kearney exchange, both served by Citizens Telecommunications Company of Nebraska: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Frank Landis voting AYE, Commissioner Jerry Vap Excused Not Voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3157 In the Matter of Globalcom, Inc., Winter Park, Florida,
 seeking authority to operate as a resale carrier of
intrastate interLATA and intraLATA telecommunications services and
operator services within the State of Nebraska: Motion made by
Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to
enter an order granting the application. Motion passed with Commis-
sioners Anne Boyle, Lowell Johnson, Rod Johnson, and Frank Landis
voting AYE, Commissioner Jerry Vap Excused Not Voting.

C-3277/ In the Matter of the Commission, on its own motion, seeking
PI-88 comment on the request by United Way of the Midlands to be
 assigned the use of "211" for Dakota County to gain access
to First Call for Help (FCFH), a comprehensive information and
referral service: Motion made by Commissioner Lowell Johnson,
seconded by Commissioner Anne Boyle, to enter an order opening the
docket. Motion passed with Commissioners Anne Boyle, Lowell Johnson,
Rod Johnson, and Frank Landis voting AYE, Commissioner Jerry Vap
Excused Not Voting. Commissioner Rod Johnson will preside as Hearing
Officer.

C-3255 In the Matter of Qwest Communications, Denver, Colorado,
 seeking approval of an amendment to the Interconnection
Agreement for Elimination of UNE-P and Implementation of Batch Hot Cut
Process and Discounts with MCImetro Access Transmission Services, LLC,
Denver, Colorado: An oral argument was scheduled for October 28,
2004, at 9:30 a.m. in the Commission Hearing Room, Lincoln. A call-in
number has been established at 877-229-1563, with an Access Code of
10280458. Commissioner Landis will preside as Hearing Officer.

Gene Hand informed the Commission that the Federal Com-
munications Commission had denied in part and granted in part a
petition filed by Core Communications requesting forbearance from the
ISP Remand Order.

Gene Hand informed the Commission that the Supreme Court of
Nebraska determined they lacked jurisdiction over Qwest's appeal of
the SS7 decision because Qwest failed to proceed under the Adminis-
trative Procedure Act.

Gene Hand informed the Commission that the U.S. Supreme
Court had rejected the request of several parties to hear the appeal
of the D.C. Circuits decision regarding the Federal Communications
Commission's Triennial Review Order.

UNIVERSAL SERVICE FUND

NUSF-5/ In the Matter of the Commission, on its own motion, seeking
C-2045 to prescribe fair, just, and reasonable local rates for all
 incumbent local exchange carriers in the state of Nebraska
pursuant to Neb. Rev. Stat. Sec. 86-803(4): Motion made by Commis-

UNIVERSAL SERVICE FUND (Cont.)

NUSF-5/
C-2045 sioner Frank Landis, seconded by Commissioner Anne Boyle,
(Cont.) to approve an order to accept a stipulation agreement,
 close the proceeding and cancel the hearing scheduled for a
 date later to be determined. Motion passed with
Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Frank
Landis voting AYE, Commissioner Jerry Vap Excused Not Voting.

NUSF-34.12 In the Matter of the Commission, on its own motion, seeking
 to conduct an inquiry into the failure of OPEX/Premiere
Communications, Elk Grove, Illinois, to accurately report information
as set forth in the rules and regulations of this Commission and
Commission Orders: Upon agreement by all Commissioners present, a
Data Request will be forwarded to Opex/Premier Communications to
clarify an annual true-up credit exceeding the 10% variance.

NUSF-37.36 In the Matter of Jeffrey L. Pursley, Director, Nebraska
 Universal Service Fund, Complainant, vs. KDDI America,
Inc., Respondent: Motion made by Commissioner Lowell Johnson,
seconded by Commissioner Anne Boyle, to enter an order dismissing the
complaint. Motion passed with Commissioners Anne Boyle, Lowell John-
son, Rod Johnson, and Frank Landis voting AYE, Commissioner Jerry Vap
Excused Not Voting.

 Jeff Pursley reported on late-filed carrier remittance
worksheets: Motion made by Commissioner Frank Landis, seconded by
Commissioner Anne Boyle, to file a complaint against OPEX/Premiere
Communications, Elk Grove, Illinois. Motion passed with Commissioners
Anne Boyle, Lowell Johnson, Rod Johnson, and Frank Landis voting AYE,
Commissioner Jerry Vap Excused Not Voting.

 Jeff Pursley reported that an NUSF Advisory Board Meeting
was scheduled for October 21, 2004, at 1:00 p.m. in the Commission
Library, Lincoln with video links to Kearney Public Library, 2020 1st
Avenue, Kearney and McCook Community College, McMillan Hall, Room 208,
1205 East 3rd Street, McCook.

NATURAL GAS DEPARTMENT

NG-0013 In the Matter of the Commission, on its own motion, seeking
 to evaluate and establish, on a quarterly basis, an assess-
ment for jurisdictional utilities pursuant to the State Natural Gas
Regulation Act [LB 790, 2003]: Motion made by Commissioner Lowell
Johnson, seconded by Commissioner Anne Boyle, to enter a quarterly
assessment order. Motion passed with Commissioners Anne Boyle, Lowell
Johnson, Rod Johnson, and Frank Landis voting AYE, Commissioner Jerry
Vap Excused Not Voting.

NATURAL GAS DEPARTMENT (Cont.)

FC-1319 In the Matter of Kinder Morgan, Inc., Lakewood Colorado,
vs. City of Hastings, Hastings, alleging installation of
duplicative and redundant natural gas piping and services in the City
of Hastings and its environs: Laura Demman informed the Commission
that the parties are discussing settlement of the formal complaint.
Commissioner Rod Johnson will preside as Hearing Officer.

RULES AND REGULATIONS

Rule and In the Matter of the Commission, on its own motion, seek-
Regulation ing to promulgate Title 291, Chapter 8, Grain Warehouse
#158 and Grain Dealer Rules and Regulations, to adopt rules in
accordance with Nebraska Legislative Bill 723 [2003]:
Motion made by Commissioner Anne Boyle, seconded by Commissioner
Lowell Johnson, to enter an order seeking public comment and schedul-
ing a public hearing for November 22, 2004, at 1:00 p.m. in the Com-
mission Hearing Room, Lincoln. Motion passed with Commissioners Anne
Boyle, Lowell Johnson, Rod Johnson, and Frank Landis voting AYE,
Commissioner Jerry Vap Excused Not Voting. Commissioner Vap will
preside as Hearing Officer.

LEGISLATIVE REPORT

PI-83 In the Matter of the Commission, on its own motion, seeking
to investigate the feasibility and propriety of the regula-
tion of wireless carriers in those areas not otherwise regulated by
the Federal Communications Commission: Motion made by Commissioner
Anne Boyle, seconded by Commissioner Frank Landis, to enter an order
recommending legislation. Jerry Vap requested the minutes reflect
that he would have voted in favor of this order had he been present.
Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod
Johnson, and Frank Landis voting AYE, Commissioner Jerry Vap Excused
Not Voting.

Andy Pollock led a discussion on possible legislative
proposals for the 2005 session.

GRAIN WAREHOUSE DEPARTMENT

GW-2162 In the Matter of Capitol Indemnity Corporation seeking can-
cellation of its Continuous Public Grain Warehouse Bond
No. 738332 in the amount of \$530,800.00, issued on behalf of Kent C.
Manning dba Manning Grain Co., Burress and Fairmont: John Fecht
reported that the bond was cancelled effective October 13, 2004, and
replacement security had been filed.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

Grain Dealer Division

John Fecht reported that the following grain dealer has not filed a financial statement.

GD-2312 Orville Green Trucking, Inc., Imperial.

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order granting a Grain Dealer License, subject to the fulfillment of all statutory requirements, for the license period ending June 30, 2005. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Frank Landis voting AYE, Commissioner Jerry Vap Excused Not Voting.

SECURITY

GD-2879 KAAPA Ethanol, L.L.C., Minden \$ 35,000

TRANSPORTATION DEPARTMENT

Rate Division

TR-137 In the Matter of Action Taxi & Limo, Sioux City, Iowa, seeking authority to adjust its rates and charges: Motion was made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to grant the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Frank Landis voting AYE, and Commissioner Jerry Vap excused not voting.

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-F: The fuel surcharge was retained at 40 cents per mile and the taxi surcharge increased to 45 cents per trip.

GENERAL ADMINISTRATION

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to approve the following Commission invoices. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Frank Landis voting AYE, Commissioner Jerry Vap Excused Not Voting.

DAS - Materiel - Office Supplies	\$ 948.21
Ted Burkey	3,000.00
Larry Fauss	800.00
Hamilton Telecommunications	74,911.80
Kelly Services	634.38

GENERAL ADMINISTRATION (Cont.)

Thomson West	\$ 557.20
Voyager	1,050.45
Robert Bowman	1,048.57
Anne Boyle	315.00
Rod Johnson	231.86

Upon agreement of all Commissioners present, authorization was granted for Commissioner Boyle to attend the 22nd Annual Institute on Telecommunications Policy and Regulation to be held in Washington, DC, from December 2-3, 2004, with most expenses to be paid by the Practicing Law Institute.

Upon agreement of all Commissioners present, authorization was granted for Commissioners to attend the National Association of Regulatory Utility Commissioners (NARUC) Annual Conference to be held in Nashville, Tennessee, from November 13-17, 2004.

Upon agreement of all Commissioners present, authorization was granted for Bob Bowman to travel to Clay Center, Kansas, on October 12, 2004, to perform a modular housing unit factory inspection of Wardcraft Homes with all expenses, including time, to be reimbursed to the Commission by Wardcraft Homes, Inc.

Upon agreement of all Commissioners present, authorization was granted for Commissioner Rod Johnson to attend the Mid-America Telecom Showcase and Seminar to be held in Kansas City, Missouri, from October 17-19, 2004.

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to go into closed session to discuss personnel matters. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Frank Landis voting AYE, Commissioner Jerry Vap Excused Not Voting. The Commission went into closed session at 10:30 a.m.

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to return to open session. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Frank Landis voting AYE, Commissioner Jerry Vap Excused Not Voting. The Commission returned to open session at 10:33 a.m.

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to authorize the Executive Director to make an offer for the law clerk position. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Frank Landis voting AYE, Commissioner Jerry Vap Excused Not Voting.

The meeting adjourned at 10:35 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, and Landis present, and Commissioner Vap excused. The next regularly scheduled meeting will be held on October 19, 2004, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on October 18, 2004.

Vice Chairman

Executive Director